

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

KEVIN HAGAN.

Plaintiff.

V.

RAUL RECAREY, *et al.*,

## Defendants.

Case No. 1:22-cv-00562-JLT-EPG (PC)

## ORDER OPENING LIMITED DISCOVERY AND SETTING DATES

On October 5, 2023, the Court held a scheduling conference in this case. (ECF No. 45).

As discussed at the conference, IT IS HEREBY ORDERED as follows:

1. The Court finds decision on Defendants' motion to dismiss (ECF No. 43) suitable for decision without oral argument, subject to be reset by the Court if necessary. L.R. 230(g). Accordingly, the hearing on the motion currently noticed for November 10, 2023, is VACATED;
2. Defendants' motion to dismiss (ECF No. 43) shall serve as Defendants' response to Plaintiff's motion for a temporary restraining order (ECF No. 29-2);
3. Plaintiff's opposition to Defendant's motion to dismiss and reply in support of Plaintiff's motion for a temporary restraining order shall be filed by no later than October 26, 2023. Defendants' reply in support of their motion to dismiss shall be filed by no later than November 7, 2023;

- 1       4. Discovery is now open as to all claims and all Defendants, except that no depositions  
2       shall take place until further order by the Court;
- 3       5. Further, if there is a dispute about the scope of discovery after the parties have met and  
4       conferred and served discovery requests, then the parties shall request an informal  
5       discovery dispute conference prior to filing any discovery motion. A party wishing to  
6       schedule such a conference should contact chambers to receive available dates. The  
7       Court will schedule the conference as soon as possible, taking into consideration the  
8       urgency of the issue.
  - 9       a. Prior to the conference, the parties shall simultaneously file an Informal Discovery  
10       Dispute Letter Brief, outlining their positions regarding the dispute. Such briefs  
11       shall be no longer than three pages single-spaced, and may include up to five pages  
12       of exhibits. The parties are also directed to email their briefs to  
13       `epgorders@caed.uscourts.gov`. The Court will provide the date and time the Letter  
14       Briefs are due at the time the conference is scheduled.
  - 15       b. The parties are advised that the Court will not issue a formal ruling at the time of  
16       the conference. Nevertheless, the Court will attempt to provide guidance to the  
17       parties to narrow or dispose of the dispute. If no resolution can be reached without  
18       formal motion practice, the Court will authorize the filing of a formal discovery  
19       motion.
- 20       6. If a motion is brought pursuant to Federal Rule of Civil Procedure 37 or 45, after  
21       receiving permission from the Court, the parties must prepare and file a Joint  
22       Statement re: Discovery Disagreement (“Joint Statement”) as required by Local Rule  
23       251.<sup>1</sup> In scheduling such motions, Magistrate Judge Grosjean may grant applications  
24       for an order shortening time pursuant to Local Rule 144(e). If a party does not obtain  
25       an order shortening time, the notice of motion must comply with Local Rule 251.
  - 26       a. A Joint Statement, not to exceed twenty-five (25) pages, must be filed seven (7)  
27       calendar days before the scheduled hearing date. Prior to the filing of the Joint

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28       <sup>1</sup> Certain limited exceptions from filing the required Joint Statement are outlined in Local Rule 251(e).

1 Statement, the parties must meet and confer as set forth in Local Rule 251(b). In  
2 addition to filing the Joint Statement electronically, a copy of the Joint Statement  
3 in Word format must be sent to Magistrate Judge Grosjean's chambers via email to  
4 epgorders@caed.uscourts.gov. Courtesy copies for any pleading in excess of  
5 twenty-five pages (25) (including exhibits) shall also be delivered to chambers via  
6 US mail, or hand delivery, at the time the Joint Statement is electronically filed.  
7 Motions may be removed from the Court's calendar if the Joint Statement is not  
8 timely filed, or if courtesy copies are not timely delivered.

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10 7. Additionally, the Court sets a telephonic status conference to be held on February 26,  
11 2024, at 10:00 a.m. in Courtroom 10 (EPG) before Magistrate Judge Erica P.  
12 Grosjean. To participate telephonically, each party is directed to use the following  
13 dial-in number and passcode: **1-888-251-2909; passcode 1024453**. The parties shall  
14 file a joint status report one full week prior to the conference.

15 8. Further, no later than fourteen days following a final order on Defendants' motion to  
16 dismiss, the parties shall file a joint report proposing further scheduling in this case, to  
17 the extent any claims remain pending.

18 9. Failure to comply with this order shall result in the imposition of sanctions.

19 IT IS SO ORDERED.

20 Dated: October 6, 2023

21 /s/ *Erica P. Grosjean*  
22 UNITED STATES MAGISTRATE JUDGE

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